

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE MAY 5, 2009

SENATE BILL

No. 679

Introduced by Senator Wolk

February 27, 2009

An act to add Section 5013.2 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 679, as amended, Wolk. State parks: acquired land: limits on disposition or use.

The Department of Parks and Recreation, with the consent of the Department of Finance, is authorized to acquire title to or any interest in real property that the department deems necessary or proper for the extension, improvement, or development of the state park system. The department is also authorized to accept monetary and real property gifts to be used in any connection with the state park system.

This bill would prohibit land acquired ~~on and after January 1, 2010,~~ for the state park system, through public funds or gifts, from being disposed of or used for other than park purposes without the ~~express authority of an act of the Legislature~~ *substitution of other land*. This bill would require the California Parks and Recreation Commission to certify that all requests ~~for that authority to dispose of or use the land for other than park purposes~~ provide for the substitution of other land ~~of equal environmental value or other value for which the park was established and fair market value and reasonably equivalent usefulness and location to those to be disposed of or used for other than park purposes; meeting certain criteria. The bill would require that the commission consider requests only if all practical alternatives that~~

avoid the proposed disposal or use of park lands for other than park purposes have been considered.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5013.2 is added to the Public Resources
2 Code, to read:

3 5013.2. (a) Land acquired for the state park system with public
4 funds or through receipt of gifts or bequests from individuals or
5 private entities with the express purpose of expanding or
6 maintaining the state park system shall not be disposed of or used
7 for other than park purposes without the express authority of an
8 act of the Legislature *substitution of other land pursuant to*
9 *subdivision (b).*

10 ~~(b) The California Parks and Recreation Commission shall~~
11 ~~certify that all requests for authority to dispose of or use for other~~
12 ~~than park purposes land described in subdivision (a) shall provide~~
13 ~~for the substitution of other land of equal environmental value or~~
14 ~~other value for which the park was established and fair market~~
15 ~~value and reasonably equivalent usefulness and location to those~~
16 ~~to be disposed of or used for other than park purposes.~~

17 ~~(c) Gifts or bequests received on and after January 1, 2010, for~~
18 ~~the purposes described in subdivision (a) are subject to disposal~~
19 ~~or use for other than park purposes if the substitution requirements~~
20 ~~in subdivision (b) are met.~~

21 *(b) (1) The California Park and Recreation Commission shall*
22 *certify that all requests to dispose of or use for other than park*
23 *purposes land described in subdivision (a) shall provide for the*
24 *substitution of other land that meets all of the following criteria:*

25 *(A) Equal environmental value or other value for which the*
26 *park was established.*

27 *(B) Has the same or greater fair market value, as established*
28 *by an approved appraisal.*

29 *(C) Is within the same geographical area.*

30 *(D) Provides reasonably equivalent public access and*
31 *recreational value, or has reasonably equivalent natural, cultural,*
32 *or historic significance.*

- 1 (2) *The commission shall consider requests only if all practical*
- 2 *alternatives that avoid the proposed disposal or use of park lands*
- 3 *for other than park purposes have been considered.*

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